



City of NORFOLK

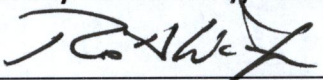
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

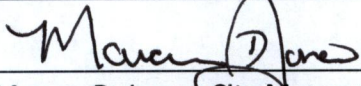
April 28, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Change of zoning from conditional R-8 (Single-Family) to conditional R-12 (Medium Density Multi-Family) – Catherine McCoy**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-2**

- I. **Staff Recommendation: Approval.**
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Change of zoning from conditional R-8 to conditional R-12 to permit a two-family use on the site.
- IV. **Applicant: Catherine McCoy**
- V. **Description**
 - This request, if approved, would revert the zoning back to the R-12 district in order to accommodate development of a single-family home with a detached garage containing a mother-in-law suite above.
 - This constitutes a two-family use as defined within the City's *Zoning Ordinance*, which is not permitted within the current R-8 single-family zoning district.
 - The uses located immediately adjacent to the site are primarily multi-family within a range of housing forms (duplex, triplex and fourplex), with one single-family dwelling located directly to the east.
 - The proposed addition of a two-family use on the site, in the form proposed, would not be out of character with the surrounding uses or existing structures within the immediate vicinity.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments

- Staff Report to CPC dated March 26, 2015 with attachments
- Letter of Support – Cottage Line Civic League
- Letter of Support – Bayview Civic League
- Proponents and Opponents
- Ordinance



City of NORFOLK

Planning Commission Public Hearing: March 26, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Matthew Simons, CFM

JS

MS

Staff Report		Item No. 4	
Address	2040 East Ocean View Avenue		
Applicant	Catherine McCoy		
Request	Conditional Change of Zoning		
Property Owner	Catherine McCoy		
Site Characteristics	Site Area	11,600 sq. ft.	
	Zoning	From: Conditional R-8 (Single-Family) and BFRPO (Bay Front Residential Parking Overlay)	To: Conditional R-12 (Medium Density Multi-Family) and BFRPO
	Neighborhood	Cottage Line	
	Character District	Suburban	
Surrounding Area	North	OSP (Open Space Preservation): beach	
	East	R-12 and BFRPO: single-family	
	South	R-12 and BFRPO: duplex and triplex	
	West	R-12 and BFRPO: (2) fourplexes	



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A. Summary of Request

- This vacant site consists of a 58-foot wide residential lot.
 - A former 18-foot wide unimproved public lane, running the entire length of the western property line, was closed in 2001 by City Council action and added to the adjacent 40-foot residential lot to create the current parcel.
 - The 2001 closure and sale of the 18-foot wide lane was accompanied by a change of zoning from R-12 (multi-family) to conditional R-8 (single-family).
- The applicant, Catherine McCoy, would like to revert the R-12 zoning in order to construct a single-family home with a detached garage containing a mother-in-law suite above.
 - This constitutes a two-family use as defined within the City's *Zoning Ordinance*, which is not permitted within the current R-8 single-family zoning district.

B. Plan Consistency

- *plaNorfolk2030* designates this site as residential mixed.
 - The identifying land use strategies chapter of *plaNorfolk2030* identifies the residential mixed land use category as a location for a variety of housing types developed with buildings that create a walkable environment and that are similar in scale no matter the use.
- Given that it is intended to permit the construction of a two-family dwelling, which would fit within the existing mixed development pattern in the area, the proposed rezoning is consistent with *plaNorfolk2030*.

C. Zoning Analysis

i. General

- At the time the property was rezoned from R-12 to R-8, several conditions were attached to the R-8 zoning designation that restrict the use of the property, as well as the general size and appearance for a proposed single-family home.
- All of the adjacent parcels to the east and west as well as on the south side of East Ocean View Avenue are zoned R-12.
- The uses located immediately adjacent to the site are primarily multi-family within a range of housing forms (duplex, triplex and fourplex), with one single-family dwelling located directly to the east.
 - The proposed addition of a two-family dwelling on the site in the form proposed, would not be out of character with the surrounding uses or existing structures within the immediate vicinity.
- The proposed use is permitted as a matter of right in the R-12 zoning district.

ii. **Parking**

- The site will remain within the Bay Front Residential Parking Overlay district, which is located throughout most residential portions of Ocean View, and the development will be required to meet the minimum parking requirements for the proposed two-family dwelling.
 - Five off-street parking spaces will be provided.

ii. **Flood Zone**

- The property is in an AE (High Risk) Flood Zone and with a 7.6 foot Base Flood Elevation (BFE).
 - The finished floor of the proposed residential structure is required to be three feet above the BFE which is 10.6 feet.
 - Parking and limited storage are allowed to be located below the finished floor.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that construction of one additional dwelling unit on this site will generate 10 additional vehicle trips per day.
- The site is near frequent transit service with Hampton Roads Transit bus routes 1 (Granby Street) operating along Ocean View Avenue adjacent to the site.

E. Impact on the Environment

- The development of a two-family dwelling is required to go through the City's Site Plan Review process, and the development will have to comply with all the standards set forth in the *Zoning Ordinance of the City of Norfolk, 1992*.
- A small portion of the site along the northern property line is identified as being located within the RPA (Resource Protection Area) with the Chesapeake Bay Preservation Area (CBPA).
 - This portion of the property is located outside of the buildable footprint and will not be impacted by the proposed development.
- The limits of primary coastal sand dune have been delineated by the City's Bureau of Environmental Services in 2002, which is identified on the proffered site plan.
 - Based on this delineation, the applicant sought and obtained a permit, granted in February 2014 by the Norfolk Wetlands Board, to encroach into the sand dune with the proposed single-family home.
 - This dune encroachment permit expires in February of 2016.
 - However, at the applicant's request, the Wetland's Board has the discretion to grant up to two 2-year extensions if dune conditions have not been determined to have substantially changed.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the proffered conditions listed below, the proposed two-family dwelling should not have a negative impact on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Application was sent to the Cottage Line and Bayview civic leagues on March 6.
- The applicant attended the January Cottage Line Civic League meeting and the civic league has provided a letter of support for the request as proposed.

I. Communication Outreach/Notification

- Legal notice was posted on the property on February 20.
- Letters were mailed to all property owners within 300 feet of the property on March 12.
- Legal notification was placed in *The Virginian-Pilot* on March 12 and March 19.

J. Recommendation

Staff recommends **approval** of the request subject to the proffered condition shown below:

- a. The development and use of the property shall be limited specifically to a three car garage with overhead apartment to be located on the south side of the property and a single family house to be located on the north side of the property facing the beach.

Attachments

Location Map

Zoning Map

Application

Letter of Support from the Cottage Line Civic League

Proponents and Opponents


Proponents


Catherine McCoy – Applicant
2032 East Ocean View Avenue
Norfolk, VA 23503

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 2040 EAST OCEAN VIEW AVENUE FROM CONDITIONAL R-8 (SINGLE-FAMILY RESIDENTIAL) AND BAY FRONT RESIDENTIAL PARKING OVERLAY (BFRPO) DISTRICTS TO CONDITIONAL R-12 (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL) AND BAY FRONT RESIDENTIAL PARKING OVERLAY (BFRPO) DISTRICTS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the property located at 2040 East Ocean View Avenue is hereby rezoned from Conditional R-8 (Single-Family Residential) and BFRPO (Bay Front Residential Parking Overlay) Districts to Conditional R-12 (Medium Density Multi-Family Residential) and BFRPO (Bay Front Residential Parking Overlay) Districts. The property is more fully described as follows:

Property fronting 58 feet, more or less, along the northern line of East Ocean View Avenue, beginning 490 feet, more or less, from the eastern line of Inlet Road and extending eastwardly; premises numbered 2040 East Ocean View Avenue.

Section 2:- That the property rezoned by this ordinance shall be subject to the following condition:

- (a) The development and use of the property shall be limited specifically to a three car garage with overhead apartment to be located on the south side of the property and a single family house to be located on the north side of the property facing the beach.

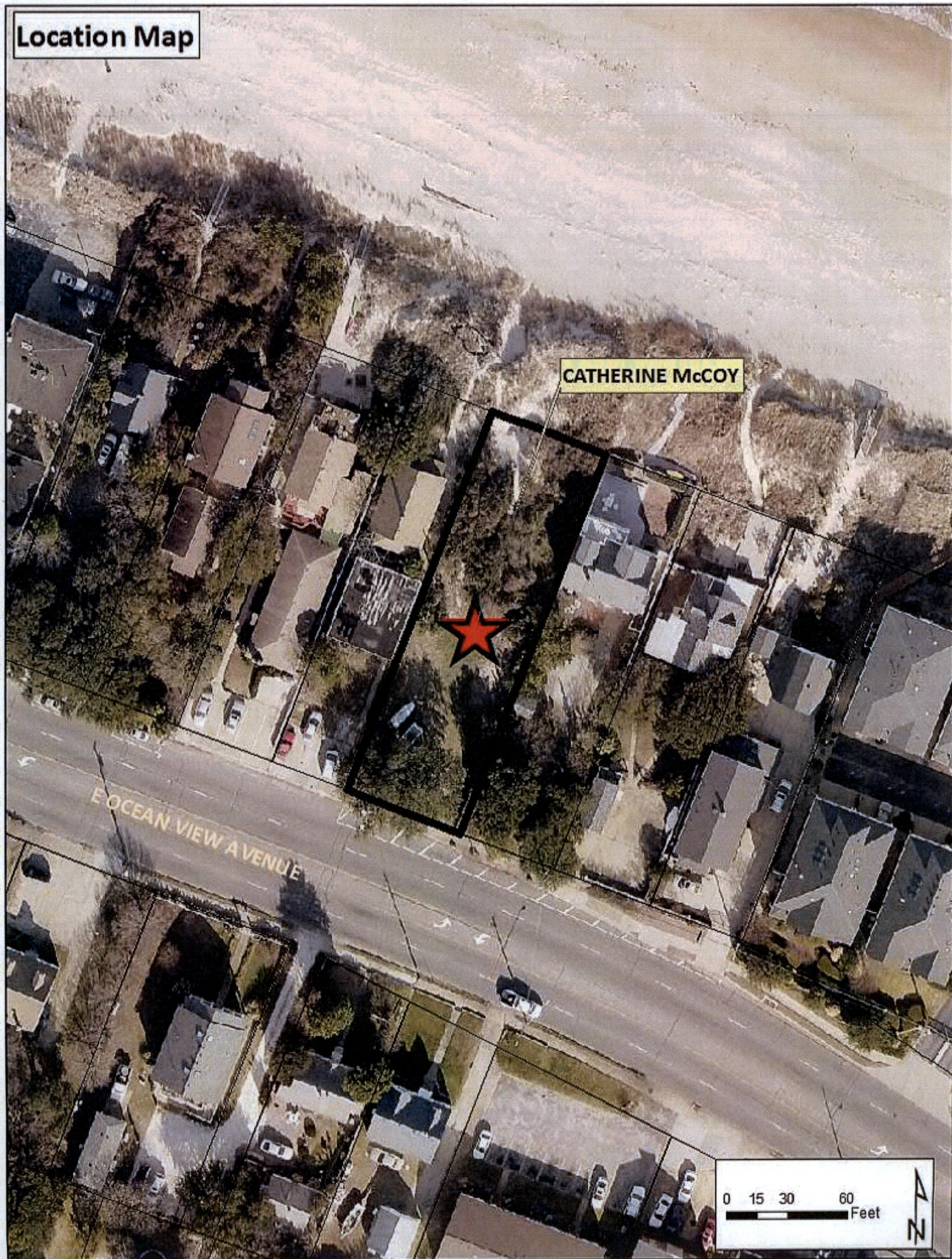
Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning

amendment is required by public necessity, convenience, general welfare, or good zoning practice.

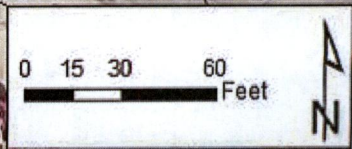
Section 5:- That this ordinance shall be in effect from the date of its adoption.

Location Map

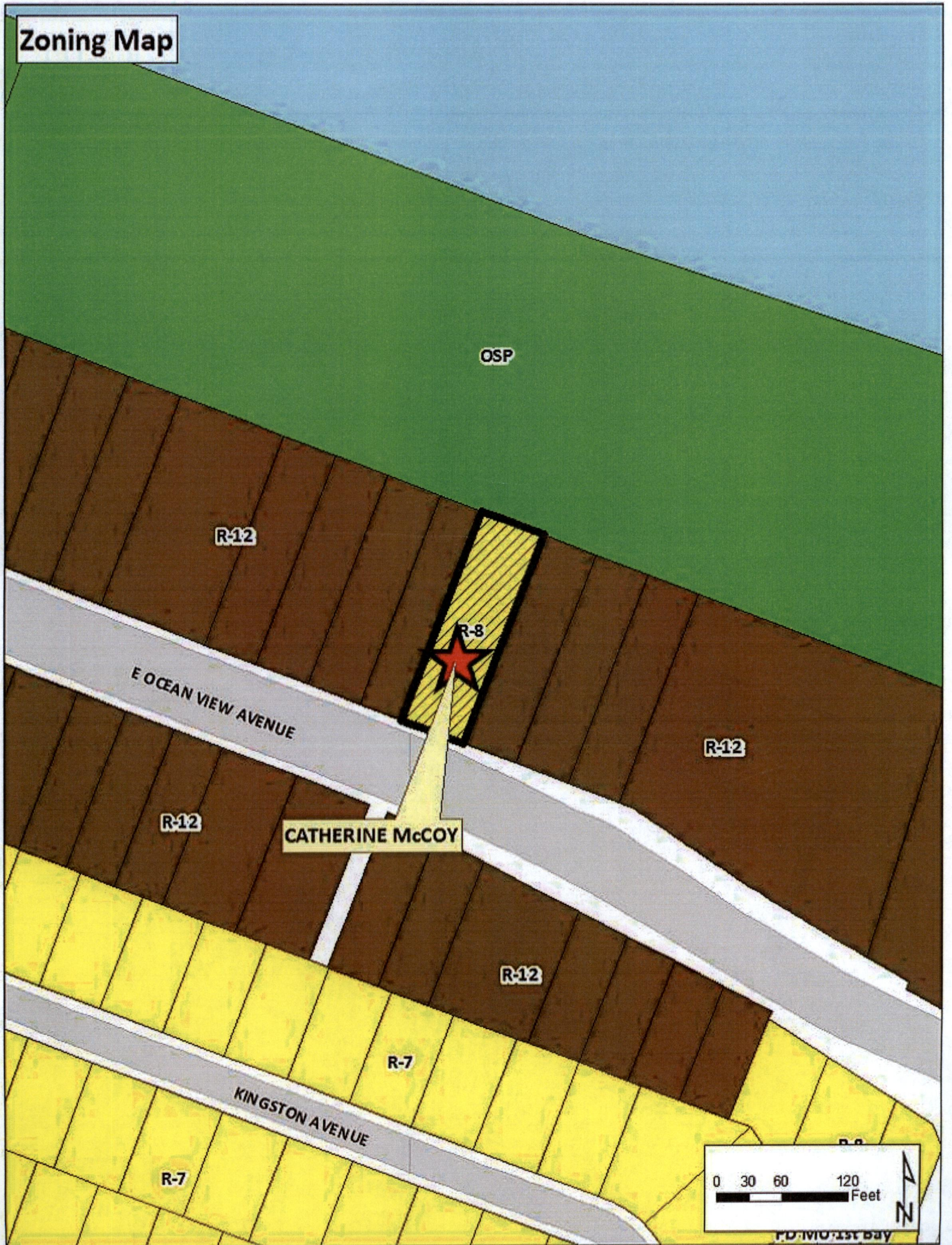


CATHERINE McCOY

OCEAN VIEW AVENUE



Zoning Map





APPLICATION CHANGE OF ZONING

Date of application: Jan 31 2015

Change of Zoning

From: R8 Zoning To: R12 Zoning

DESCRIPTION OF PROPERTY

Property location: (Street Number) 2040 (Street Name) E Ocean View Ave

Existing Use of Property: Vacant lot

Current Building Square Footage 0

Proposed Use Single family house and 3 car garage w/apartment

Proposed Building Square Footage SF 3000, garage apt 1000

Trade Name of Business (If applicable) N/A

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) McCoy (First) Catherine (MI)

Mailing address of applicant (Street/P.O. Box): 2032 E Ocean View Ave

(City) Norfolk (State) VA (Zip Code) 23503

Daytime telephone number of applicant (x) 914 456 1702 Fax ()

E-mail address of applicant: catermccoy@gmail.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**Application
Rezoning
Page 2**

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Vandergift (First) Nicholas (MI) _____

Mailing address of applicant (Street/P.O. Box): 1434 E Ocean View Ave

(City) NORFOLK (State) VA (Zip Code) 23503

Daytime telephone number of applicant (57) 672-2157 Fax () _____

E-mail address of applicant: nicholasandco@aol.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) McCoy (First) Catherine (MI) _____

Mailing address of property owner (Street/P.O. box): 2032 E Ocean View Ave

(City) Norfolk (State) VA (Zip Code) 23503

Daytime telephone number of owner 914 456 1702 email: catermccoy@gmail.com

CIVIC LEAGUE INFORMATION

Civic League contact: Vic Yankov. C

Date(s) contacted: Jan 20 2015

Ward/Super Ward information: Ward 5 / Superward 6

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

REQUIRED ATTACHMENTS

- ✓ Required application fee, **\$705.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
 - If accompanied with a necessary map amendment to the City's adopted general plan, *plaNorfolk2030*, an additional technology surcharge of **\$5** will be required.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- ✓ Written description and details of the operation of the business (i.e., # of employees, # of bays, reason for rezoning, etc...)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Catherine McCoy Sign: Catherine McCoy 1/18/15 1/20/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Nicholas Vanduyck Sign: Nicholas Vanduyck 1/2/15 12/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ Sign: _____ / ____ / ____
(Authorized Agent Signature) (Date)

GENERAL NOTES

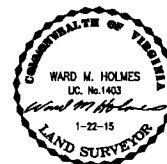
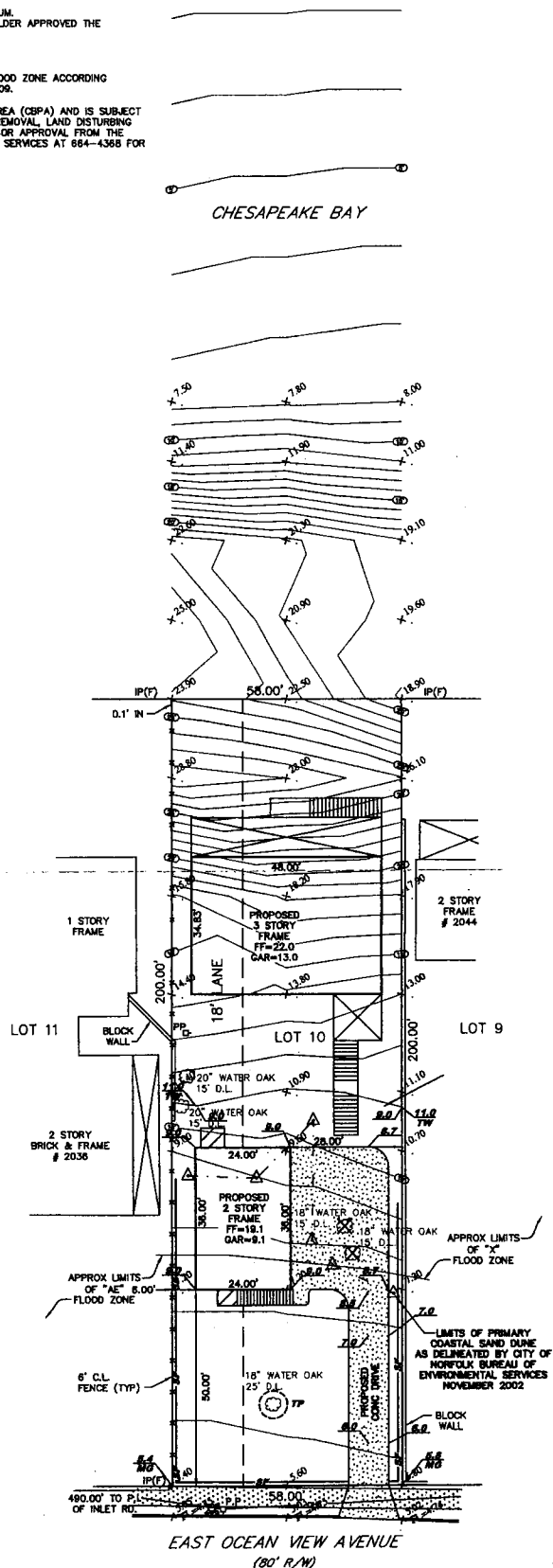
ELEVATIONS SHOWN HEREON ARE IN FEET AND REFER TO NAVD-83 DATUM.
 AFTER BUILDING PERMIT IS ISSUED, WARD M. HOLMES ASSUMES THE BUILDER APPROVED THE
 SIZE AND LOCATION OF THE HOUSE AS SHOWN HEREON.
 SEWER AND WATER ARE AVAILABLE.

PRO = PROPOSED ELEVATION
 FF = FINISHED FLOOR ELEVATION

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" & "AE"(7.5) FLOOD ZONE ACCORDING
 TO F.E.M.A. MAP PANEL NO. 510104-0070F, REVISED SEPTEMBER 2, 2009.

PROPERTY IS ZONED R-8.

THIS PROPERTY IS LOCATED IN THE CHESAPEAKE BAY PRESERVATION AREA (CBPA) AND IS SUBJECT
 TO CERTAIN DEVELOPMENT REQUIREMENTS AND LIMITATIONS. NO TREE REMOVAL, LAND DISTURBING
 ACTIVITY OR CONSTRUCTION ACTIVITY CAN BE COMMENCED WITHOUT PRIOR APPROVAL FROM THE
 CITY OF NORFOLK. PLEASE CONTACT THE BUREAU OF ENVIRONMENTAL SERVICES AT 684-4368 FOR
 MORE INFORMATION.

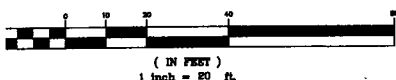


SITE PLAN OF LOT 10 & 18' LANE, BLOCK 14 PLAT OF PART OF PROPERTY OF BAY VIEW BEACH CORPORATION (D.B.280A, PG.78) NORFOLK, VIRGINIA FOR NICHOLAS & COMPANY

WARD M. HOLMES
 LAND SURVEYOR, P.C.
 9225 GRANBY STREET
 NORFOLK, VIRGINIA 23603
 757-480-1230

DATE: AUG. 26, 2014 REV: JAN. 22, 2015
 SCALE: 1" = 20'
 DRAWN BY: DHH
 PROJECT No. 13-437 SHEET 1 OF 1

GRAPHIC SCALE





Cottage Line Civic League
1816 E. Ocean View Avenue
Norfolk, Virginia 23503

January 28, 2015

City Planning Commission
Attn: Leonard M. Newcomb III, CFM
leonard.newcomb@norfolk.gov
City of Norfolk, City Hall Building
810 Union Street
Norfolk, VA 23510

Re: Application for Rezoning for 2040 East Ocean View Ave

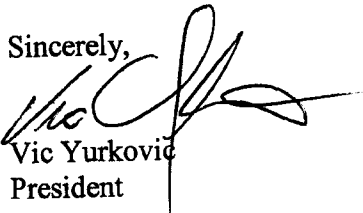
Dear George,

The owner of the property at 2040 E. Ocean View Avenue, Ms. Catherine McCoy, has made a request of the Cottage Line Civic League to support her application to change the zoning the property from R8 to R12. The change is being requested to support the build of a garage/carriage house on the street side of the lot in 2015 and the building of a single family house on the beach side of the lot in the future.

Given that the 2040 E. Ocean View lot is 58' x 200', one of the largest lots in Cottage Line, and that adjacent and the neighborhood lots are zoned R12, the Cottage Line Civic League supports the rezoning from R8 to R12.

If you have any questions, please contact myself at (757) 287-6693

Sincerely,


Vic Yurkovic
President

Copy to:
Councilman Tommy Smigiel
Cate McCoy

Simons, Matthew

From: Linda Lundquist <linda.lundquist@ymail.com>
Sent: Wednesday, March 11, 2015 2:23 PM
To: Simons, Matthew
Cc: Vic Yurkovic
Subject: Re: Cottage Line and Bayview - Pending Rezoning application for the Norfolk City Planning Commission

Matthew -

Last night Bayview Civic League voted to support changing the zoning for 2040 Ocean View Ave from R8 to R12 zoning. We find that change would bring the property into similarity with the majority of zoning in that area and help increase the tax base without substantially increasing density. As a point of information, the majority of the 50+ members in attendance voted overwhelmingly in support of the change.

Please let me know if you need any additional information.

Linda Lundquist
President, Bayview Civic League

On Friday, March 6, 2015 2:01 PM, "Simons, Matthew" <Matthew.Simons@norfolk.gov> wrote:

Thanks Nate,
My apologies, I'm going to copy Ms. Lundquist here.

Ms. Lundquist, please see my email below concerning an upcoming rezoning application within close proximity to the Bayview neighborhood.

Let me know if you have any questions/concerns.
Thanks,

Matthew Simons, CFM
City of Norfolk
City Planner II
757-664-4750

From: Civic League [mailto:gpclpresident@gmail.com]
Sent: Friday, March 06, 2015 1:52 PM
To: Simons, Matthew
Subject: Re: Cottage Line and Bayview - Pending Rezoning application for the Norfolk City Planning Commission

I am greater pine well, not bayview.